

**REMARKS**

In response to the final Office action reissued March 27, 2009 and the Advisory action mailed July 6, 2009, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

**1. Claim Rejection – 35 U.S.C. § 102(e) - Claims 1-4, 6-12, 14-20, 22-26, 28-34, 36-42 and 44**

In the final Office action, the Examiner rejected claims 1-4, 6-12, 14-20, 22-26, 28-34, 36-42 and 44 under 35 U.S.C. § 102(e) as being anticipated by Brumfield et al. (U.S. Patent No. 7,228,289) (hereinafter "Brumfield"). This rejection was maintained in the Advisory action. Claims 17, 22-23, 28-34, 36-42 and 44 were canceled in Applicants' previous response of May 7, 2009, making the rejection of these claims moot.

Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims 1 and 9 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

In response to the rejection, Applicants have amended claim 1 to now recite:

... one or more of the data sets comprising an item identifier, a transaction identifier, an item volume value, a time value, and a trader identifier; ...

a display configured to display two or more graphical representations of some or all of the transaction data including at least one desired transaction, the size of the graphical representations proportional to the volume of tradable items represented by the transaction data, the graphical representations positioned relative to the other graphical representation(s) based on the time value in each data set, and each graphical representation indicating the trader identifier.

(emphasis added).

No new matter has been added with this amendment. Support for this amendment can be found in paragraph [0034] of the current application, which states that each data set can include a trader identifier. This paragraph also states that the trader can be identified by a number that is displayed in the center of the graphical representation as shown in FIG. 3 of the current application.

FIG. 4 of Brumfield shows quantities of the number of “bids” for a certain price in column 406, quantities of “asks” for a certain price in column 408, and volume bars 452 in column 412, which indicate the volume traded at various price levels over a set time period. See Brumfield, col. 14, lines 46-47 and 62-63; and col. 15, lines 26-28. However, Brumfield does not disclose a data set including a trader identifier and graphical representations indicating the trader identifier as recited in claim 1. Therefore, claim 1 and those claims that depend therefrom are allowable over Brumfield.

Also, in response to the rejection, Applicants have amended claim 9 to now recite:

displaying two or more graphical representations of some or all of the transaction data including at least one offer for sale or offer to buy, the size of the graphical representations proportional to the volume of tradable items represented by the transaction data, and the graphical representations positioned relative to the other graphical representations based on the time value in each data set, and the graphical representations include colour properties based on two items in each data set.

(emphasis added).

No new matter has been added with this amendment. Support for this amendment can be found in paragraph [0033] of the current application, which discloses that a graphical representation can have a color property based on the transaction identifier, such as a bid, ask or trade, and furthermore, each graphical representation can have a color property based on the time value in each data set.

As stated by the Examiner in the Advisory action, Brumfield at col. 15, lines 28-32 discloses that color may be used to differentiate times within the set period of time. However, Brumfield does not disclose or suggest that a graphical representation includes color properties based on two items in each data set. Therefore, claim 9 and those claims that depend therefrom are allowable over Brumfield.

New claims 45 and 46 have been added and depend indirectly from claims 1 and 9, respectively. Claim 45 recites “wherein the colour property of the graphical representation changes over time,” and claim 46 includes a similar limitation. Support for new claims 45 and 46 can be found at paragraph [0033] of the current application. Brumfield does not disclose that the color property used to differentiate times within the set period of time changes over time. Therefore, based on the limitations recited in claims 45 and 46, and their dependency on claims 1 and 9, respectively, claims 45 and 46 are patentable over Brumfield.

## **2. Claim Rejections – 35 U.S.C. § 103(a) - Claims 5, 13, 21, 27, 35 and 43**

In the final Office action, the Examiner rejected claims 5, 13, 21, 27, 35 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Brumfield in view of Burns et al. (U.S. Patent No. 7,243,083) (hereinafter “Burns”). This rejection was maintained in the Advisory action. Claims 21, 27, 35 and 43 were canceled by Applicants in the previous response making the rejection of these claims moot.

Applicants note that claims 5 and 13 are dependent claims that depend from independent claims 1 and 9, respectively. In light of the arguments submitted in Section 1 of this response, Applicants respectfully submit that dependent claims 5 and 13 are not obvious in view of the combination of Brumfield and Burns because these references, alone or in combination, fail to teach or suggest all the claimed limitations. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable.

In conclusion, Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 5 and 13 has been overcome.

**CONCLUSION**

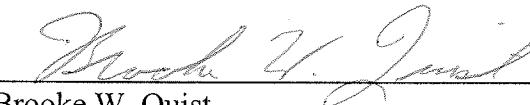
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of claims 1, 3, 5-9, 11, 13-16, 18-20, 24-26, 45 and 46 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: July 27, 2009

  
\_\_\_\_\_  
Brooke W. Quist  
Reg. No. 45,030  
STEPTOE & JOHNSON LLP  
2121 Avenue of the Stars  
Suite 2800  
Los Angeles, CA 90067  
Tel 310.734.3200  
Fax 310.734.3300